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SERVICES OF COMMON CONCERN

INTRODUCTION

Since this subject involves one of the five statutory responsibilities of the DCI, it is possibly of sufficient importance to be discussed here for that reason alone. It is, however, a subject more suggestive of the round table and the specialist than of the lecture platform and the inclusive audience. It will, I trust, be of some interest to each of you, particularly in that it can only be meaningfully discussed in terms of such relatively interesting matters as personalities, organizations, and history.

First, some history:

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1. Pearl Harbor shocked the government into the realization that something was wrong with its organization for intelligence, if such a catastrophe could be inflicted with such surprise. Remembering Pearl Harbor, and other wartime experiences, (including those of the Office of Strategic Services) the architects of the National Security Act of 1947 theoretically could have cured the government's deficient organization for intelligence by a single intelligence agency to serve all the needs of the government.

2. This was not done, however, primarily because it was recognized that, as a functional necessity, specialized intelligence units should be retained in close conjunction with military and political planning and operations. Given, then, the necessary continued existence of a number of separate intelligence organizations, the primary requirement was to provide a leadership which could relate and integrate those organizations, be uniquely responsible to a single higher authority, and establish a framework within which there could gradually evolve a rationalization of intelligence activities so as to achieve greater efficiency and better intelligence support for national security needs and purposes. That leadership was provided for in Title I of the Act which, significantly, is termed "Coordination for National Security."

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The leadership provided by the law is best understood in terms of the resulting responsibilities of the DCI and the departmental intelligence chiefs.

3. As has already been pointed out in this conference, there are five major statutory responsibilities of CIA and the Director of Central Intelligence: (1) to advise the NSC on intelligence activities; (2) to make recommendations for their coordination; (3) to produce national intelligence; (4) "to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally," and (5) to perform other functions as directed.

4. The fourth responsibility (which is the only one I have quoted in full) speaks of performing "such additional services of common concern." The word "additional" is not found in earlier statements of the functions of the Director of Central Intelligence. The use of the word "additional" implies that the duties enumerated earlier are also services of common concern, or at the very least that the duty stated immediately prior is also a service of common concern. On inspection we find that this is the duty to correlate and evaluate intelligence relating to the national security, i.e., production of national intelligence. The

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instrument whereby this service is performed in our system today is the Office of National Estimates and its Board of National Estimates. While this function has to date not been generally recognized as a service of common concern, it is quite clear from the Statute that it should be so recognized, for in fact it is such a service. It is instructive to note that, ever since the reorganization of CIA under General Smith, the production of national intelligence estimates has been conducted in a manner in keeping with the common concern concept. For example, the procedures which have been developed for the production of an estimate, through the final stage of IAC consideration and approval or dissent, pay due regard to one of the main concerns of G-2 early in the evolution of the common concern concept, namely: that such services should be conducted with due regard to maintaining suitable conditions of responsibility to the other departments. The struggle to define such procedures and to get CIA to recognize such conditions of responsibility occupied the energies of the intelligence agencies (and ultimately of the Dulles Committee) during the two years prior to General Smith's administration.

5. The second duty (namely, to recommend to the NSC for the coordination of intelligence activities) is, I believe, also a service of common concern. The DCI has the responsibility to take the initiative in examining

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with the other agencies (and for the benefit of the community) the relationships of the system and in so doing to develop recommendations to the NSC with the concurrence of the Intelligence Advisory Committee, or to secure agreement of the agencies concerned where the problems can be disposed of on their own authority. Since its earlier days, the Agency has maintained, under various titles, a Staff to assist the Director in discharging this function. Today it is known as the Office of Intelligence Coordination. That Office or Staff can only do its job if it holds itself open and readily available to deal with problems from the other agencies as well as from offices of CIA. Practically all of the NSC intelligence directives have been evolved with the advice and assistance of the Director's staff for coordination, whatever its title at the time, and that Staff has been responsible for taking the lead in ^{many} most negotiations among the departments and agencies leading to coordination of activities.

6. The first statutory duty (to advise the NSC in matter concerning intelligence activities of the government) is indistinguishable in practice from the second duty, and in carrying it out, the DCI is enjoined by the first NSCID to indicate the concurrence or non-concurrence of the IAC when giving advice and submitting recommendations.

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7. Under the foregoing interpretation, the purpose of the Act, then, is to establish as Law certain clearly required services of common concern, namely, the first three enumerated duties, and then to set forth a provision whereby, on the basis of experience, it is possible to improve the system by creating additional services of common concern as needed. (Those who wish to find in this phrase "services of common concern" subtleties which frequently infuse a legal term will be disappointed, since it is not a phrase of art, having no tradition in common or statutory law prior to the Act of 1947.) In fact, the subtleties of the phrase arise less from the legal aspects than in the administrative sense, that is, its meaning in terms of the developing functional responsibilities of the departments and of the CIA.

The discussions of 1944 and afterward were clearly pointed toward finding some device which would meet the practical problems then facing the intelligence agencies. In 1946, in implementing President Truman's directive, the National Intelligence Authority issued its directive establishing as an "initial principal office of the Central Intelligence Group" a "Central Intelligence Services" unit which was to include such operating agencies as might thereafter be established by the Authority. And, later in the year, the NIA directed that the DCI should undertake

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research and analysis in order to define what functions were not being presently or adequately performed, on the basis of which the DCI might centralise such intelligence production activities as were agreed should be best done centrally.

8. That these responsibilities in the Act are closely interrelated is more apparent from a study of the NSCIDs. These directives, of which there are now 16, supplement and implement the Act. In the first of these intelligence directives of the NSC, the DCI is directed to make such surveys and inspections of departmental intelligence materials as he may deem necessary in connection with his first duty (to advise the NSC) as well as his second one (to make recommendations for coordination). The implication is that this shall be done cooperatively with the other agencies. To induce, and as an aid to, such cooperation the NSC created a mechanism, the Intelligence Advisory Committee. The NSC added the injunction that the purpose of such coordination should be primarily to strengthen the over-all governmental intelligence structure and that primary departmental requirements should be recognized and receive "the cooperation and support" of the Central Intelligence Agency.

9. These comments are basic to an understanding of the attitude which it was expected the DCI should take as he approached his fourth responsibility--providing services of common concern to the

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community. In a sense, these NSC injunctions are limitations or restrictions on the possibility that a DCI might approach the problem by rationalizing that all governmental intelligence activities should come to be done centrally in order to accomplish them more efficiently.

10. Behind every one of our existing services of common concern and those which seem to be emerging, it is clear that their establishment has not been a matter of the unilateral judgment of the DCI but in the first instance, has been a matter for agreement reached among those affected. It might be helpful as an aid to focussing on our analysis of the services of common concern to state in advance some generalizations or conclusions which such analysis may suggest. These are:

- a. That the major efforts of the DCI's recommendations for the coordination of activities have resulted in the establishment of services of common concern (which now constitute the vast bulk of his total administrative responsibilities).
- b. That the DCI should so conduct and manage other responsibilities as to permit their possible evolution into services of common concern.
- c. That with the assignment to perform services of common concern there is usually a companion responsibility

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to coordinate activities within defined areas, (this responsibility being distinct from the responsibility to recommend to the NSC with respect to coordination).

d. That these activities which have been specifically assigned by the NSC as services of common concern have to date included both intelligence information collection and support activities on the one hand and intelligence production on the other.

e. That assignments to the Agency to perform services of common concern have come about because:

1) The services were marginal, but not dispensable, to the intelligence needs of individual departments and yet were recognized to be of value to the comprehensive intelligence system.

2) Being marginal to individual departments, such services were adversely affected by departmental budget limitations.

3) Duplication of effort or danger of security breach were inevitable results of not performing the service centrally.

f. Those services of common concern which affect
primary departmental responsibilities the least have been the
easiest for CIA to administer, insofar as relations with the
other departments are concerned.

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14. In contrast to the non-competitive environment in which NSCID-6 was evolved, the development of the exploitation of domestic sources of foreign intelligence information as a service of common concern was a protracted and often acrimonious negotiation. Here the desirability for centralization lay in the dangers to the security and prestige of the government through multiple agency contacts with the

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same US citizens or business firms having foreign positive intelligence information. There was also the possibility that reports secured by several competing government agencies would be inadequately disseminated and that there would be duplication of effort and waste of funds. These dangers were sufficiently real to persuade the military services, who had an understandable desire to preserve their own collecting systems in this field. There was a further complication, namely with the FBI, because of the likelihood that an intelligence source of this type would also be useful to the FBI for its internal security purpose. This duality suggested to the FBI the danger of source violation. Fundamentally, however, this same danger was present under the then existing arrangements.

15. After an initial year-and-half period of coordination of the various agency collection efforts and the establishment of a common source register, CIA was able to demonstrate that not only could this service be administered more efficiently centrally, but also that it could satisfy the consumer needs adequately. It was also possible to show the FBI that, through close collaboration, the risk of violation of their sources could be reduced to a minimum.

16. NSCID-7, creating this service of common concern, is quite detailed, reflecting the hesitancy of the agencies in establishing the

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service. It sets forth in detail the conditions of responsibility to the agencies served. It is also flexible in that, while placing the exclusive responsibility on CIA for domestic exploitation, it provides for CIA to arrange direct contact between other agency representatives and

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sources as necessary.

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17. Whereas the previous services of common concern mentioned have been preclusive, a variation occurs in the instance of performing the service of maintaining biographical data on foreign scientific and technological personalities, in NSCID-8. The preamble makes reference to the common concern paragraph of the Act for its authority, but specifies that the Agency shall have the "primary" (and therefore not preclusive) responsibility for the maintenance of such data. The directive goes on to say that the departmental agencies shall continue to collect, analyze and abstract such data for their own needs. CIA on

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the other hand, is directed to codify and index such data received from all sources, properly file them, and make them readily available to the "participating" departments and agencies. Here there is a recognition of the possibility that the intelligence system could be strengthened by a degree of centralization, but would possibly be harmed by complete centralization.

18. The effect of this directive has been to provide greater budgetary support for this function within the Agency than previously. And as the function has produced systematically such compilations as the Soviet Men of Science and ensured its current maintenance, other agencies have tended to depend more and more on this service, thereby reducing their own resources devoted to this subject. It would probably not now be necessary, but might well one day be appropriate, to remove the word "primary."

19. In connection with this case-by-case description of services of common concern, little can be said, in this presentation, regarding NSCID-5, which provides for the clandestine service of the Agency. Two things, however, can and might well be said: first that this directive is less preclusive than the first two, as it recognizes the needs of Theatre Commanders for their own clandestine services for operational purposes. Evolving the agreements which will ensure the coordination of all

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clandestine services in these circumstances has been a knotty and as yet unresolved problem. Second, the "suitable conditions" of responsibility to the departments and agencies served have been in large part provided through the establishment of an IAC subcommittee, whereby the needs of the agencies served are clarified and related both in terms of relative importance and also with some deference to the capabilities of the collection service.

20. Reference should be made at this point to the fact that the two directives relating to defectors, (NSCID's 13 and 14,) at first appears also to create services of common concern, because of the references in their preambles and the nature of the instructions in them. In terms of our subject, however, it is believed that these directives would be more appropriately considered as extensions or amplifications of the common concern responsibilities of the contact division and the clandestine services as enunciated in their respective national security council intelligence directives, NSCID's 7 and 5, previously mentioned. The defector directives introduce no new responsibilities but only define in greater detail relations among the agencies of involving defectors.

21. Under the system created by the Law, and as amplified in NSCID-3, economic intelligence is produced by each agency according to

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its need. This is likewise true of scientific and technical intelligence, which will be discussed in a moment. Because of the disparate character of the governmental efforts in economic intelligence, the National Security Council two years ago requested that a survey be made of these resources requesting recommendations with regard thereto. The resulting NSCID-15 directs the Agency to produce, as a service of common concern such foreign economic intelligence as is required to supplement that of other agencies or to fulfill requests of the IAC. In addition, CIA is to review requirements for such economic intelligence as relates to the national security, develop regular procedures to see that the full economic knowledge and technical talent in the government is brought to bear on important issues involving national security, and identify gaps in foreign economic data.

22. The hard core of the functions of CIA thus are seen to be services of common concern, whether organized to meet those services defined in the Act or those defined by the NSC subsequently in pursuance of paragraph four, which authorizes the establishment of services of common concern when it is clear they can be more efficiently accomplished centrally.

23. One can ask, however, what about other functions now performed by CIA, specifically, the reference function for intelligence materials, the

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exploitation of foreign language documents, scientific intelligence, and current intelligence.

24. As for foreign documents, under NSCID-16, which does not make reference in its preamble to the service of common concern paragraph of the Act, ~~and~~ effort has been made to strengthen the referencing function and the exploitation of foreign language publications by placing on the Director a primary (but not exclusive) responsibility to conduct these activities for the benefit of all. It is doubtful that these functions can ever become ^{completely} a service of common concern, even though they approach it, since to a certain degree they must be carried out in close conjunction with the intelligence process of the other agencies. Through the requirement that the DCI shall coordinate in these fields, however, there can result greater efficiency and a strengthening of these activities.

25. Under NSCID-3, each agency is permitted to produce scientific and technological intelligence in accordance with its needs. The DCI's effort to strengthen scientific intelligence as a result of the Dulles Report of 1950 resulted in the establishment of CIA's scientific intelligence office. An attempt has been made to solve the difficulties between the military agencies and CIA by separating scientific and technical intelligence, in DCID 3/4. This document places primary

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responsibility for certain categories of scientific intelligence on CIA and primary responsibilities for technical intelligence on the military intelligence services, with an injunction to cooperate in the marginal or twilight zone between them. It would appear not to be feasible to establish scientific intelligence as a service of common concern because of the impossibility of its complete separation from technical intelligence. It might be handled under a provision somewhat along the lines of NSCID-15.

25. Current intelligence is performed by the Agency to assist the Director in discharging his responsibility to the President under the second duty, namely, to correlate and evaluate. However, under NSCID-3, each Agency is permitted to have current intelligence to meet its own needs. To centralize this function is probably impractical and unwise. It may be, however, that in time current intelligence in the federal intelligence system will be manageable in ways not unlike those applied with respect to national intelligence estimates.

26. At the outset, I theorized that the drafters of the National Security Act could have solved the government's intelligence problem by creating a single intelligence agency to meet all the needs of the government. That they did not is clear from the Act, and why they did not is, I trust, evident from what I have been saying.

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27. They did, however, create a new agency, and they gave it the deceptive name "CENTRAL Intelligence Agency." I say this is a deceptive name, for this Agency is central only in that it is the center of an interrelated system of interdependent intelligence agencies. It is also "central" in one other sense, namely: insofar as it performs services of common concern, about which I trust we now know a little bit more. A wider understanding of this limited character of this Agency's "centralness" could do much to limit our own disappointment that we do not do more and our friends' concern that we do too much.